

Remarks

Claims 1-18 and 24-32 are currently pending in the Application.

Claims 1-18 and 24-32

This response amends Claims 1 and 24 to recite that “to a decryption entity that is not under the control of a user of the recipient” (emphasis added).

35 U.S.C. §102(e) Rejection

Claims 1-18 and 24-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Pirila (U.S. Patent No. 6,674,860). Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicants submit that the Examiner has not shown that Pirila teaches each and every element as set forth in the rejected claims. In particular:

Claim 1

A. Applicants submit that the Examiner has not shown that Pirila discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 1 of the present application:

“location data is provided in encrypted form by a location server to a recipient” (emphasis added)

The Examiner asserts that the “location data” as recited in Claim 1 is disclosed by Pirila’s “location information.” See page 2, section 4 of the Official Action.

Although Pirila is concerned with the transfer of encrypted “location information” to a mobile station, the term “location information” as used in Pirila:

“means base station position coordinates, real time difference (RTD) data and other base station related data that are needed to determine the location of a mobile station”

as is explained at column 3, lines 53-56 of Pirila. It is fundamental to the whole concept of Pirila that the location information is information **about the base stations** and that this location data is encrypted and broadcast to mobile entities. In contrast to Pirila, the “location data,” as recited claim 1, “represents the **location of the mobile entity**” (emphasis added).

Therefore, Applicants submit that Pirila does not teach, disclose or suggest “location data is provided in encrypted form by a location server to a recipient” as recited in Claim 1. Hence, Claim 1 is patentable over Pirila and should be allowed by the Examiner. Claims 2-18, at least based on their dependency on Claim 1, are also believed to be patentable over Pirila.

B. Applicants submit that the Examiner has not shown that Pirila discloses, suggests or teaches, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“a decryption entity that is not under the control of a user of the recipient”
(emphasis added)

The Examiner asserts a SIM card disclosed in Pirila is a removable card that works in conjunction with the mobile entity but is not under control of the mobile entity. See page 3, lines 2-3 of the Official Action.

However, Applicants submit that just because the SIM card may not be under control of the mobile entity, it is still under the control of a user of the mobile entity. Therefore, Pirila does not teach, disclose or suggest “a decryption entity that is not under the control

of a user of the recipient” as recited in amended Claim 1. Hence, Claim 1 is patentable over Pirila and should be allowed by the Examiner. Claims 2-18, at least based on their dependency on Claim 1, are also believed to be patentable over Pirila.

Claim 24

Applicants submit that, at least for the reasons stated above, Pirila does not teach, disclose or suggest “location data that represents the location of a mobile entity ... a location server for providing said location data in encrypted form ... and a decryption entity that is not under the control of a user of the recipient” as recited in amended Claim 24. Hence, Claim 24 is patentable over Pirila and should be allowed by the Examiner. Claims 25-30, at least based on their dependency on Claim 24, are also believed to be patentable over Pirila.

Claim 31

A. Applicants submit that, at least for the reasons stated above, Pirila does not teach, disclose or suggest “location data that represents the location of a mobile entity ... the location data is provided in encrypted form by a location server to the mobile entity” as recited in Claim 31. Hence, Claim 31 is patentable over Pirila and should be allowed by the Examiner. Claims 32, at least based on its dependency on Claim 31, is also believed to be patentable over Pirila.

B. Applicants submit that the Examiner has not shown that Pirila discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 31 of the present application:

“the location data being encrypted such that it can only be decrypted by a decryption entity associated with the location server” (emphasis added)

As stated above, the Examiner asserts a SIM card disclosed in Pirila is a removable card that works in conjunction with the mobile entity but is not under control of the mobile entity. See page 3, lines 2-3 of the Official Action.

However, Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by designating “as nearly as practicable” the particular part of Pirila relied upon in making the assertion that Pirila teaches “the location data being encrypted such that it can only be decrypted by a decryption entity associated with the location server” as recited in claims 31.

Applicants submit that Pirila does not teach, disclose or suggest “the location data being encrypted such that it can only be decrypted by a decryption entity associated with the location server” as recited in Claim 31. Hence, Claim 31 is patentable over Pirila and should be allowed by the Examiner. Claims 32, at least based on its dependency on Claim 31, is also believed to be patentable over Pirila.

Conclusion

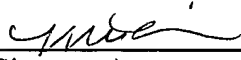
In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

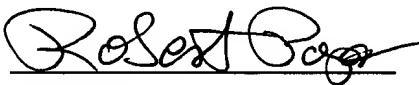
August 5, 2005
(Date of Deposit)

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